

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 SAMUEL RENE LOPEZ,

4 Plaintiff

5 v.

6 TERESSE IAELA-TOKUGAWA, et al.,

7 Defendants

Case No.: 2:24-cv-00876-APG-NJK

**Order Granting, in part, Motion to Decline
Magistrate Judge Assignment**

[ECF No. 8]

9 Plaintiff Samuel Rene Lopez filed this lawsuit on May 9, 2024. The case was randomly
10 assigned to Magistrate Judge Koppe as the presiding judge and was designated for participation
11 in this court's Early Neutral Evaluation (ENE) program. ECF No. 1. That same day, Lopez was
12 provided with both this court's General Order 2023-11 about direct assignment of cases to
13 Magistrate Judges, and a form to decline having a Magistrate Judge oversee the case. ECF Nos.
14 2, 3. Both of those documents state that if Lopez wanted to decline having a Magistrate Judge
15 oversee the case, he must return the completed form within 21 days. *Id.* Lopez did not do so.

16 On August 9, 2024, Lopez filed, among other motions, a motion to decline having
17 Magistrate Judge Koppe preside over the case and to opt out of the ENE program. ECF No. 8.
18 Magistrate Judge Koppe treated Lopez's motion as one to withdraw consent and ordered that a
19 District Judge be appointed to address the motion. ECF No. 19. I was assigned to the case.

20 Lopez acknowledges receiving General Order 2023-11 and the declination form by May
21 21, 2024. ECF No. 8 at 2. Thus, at the latest, he should have submitted his declination form by
22 June 11, 2024. By failing to do so, Lopez is "deemed to have knowingly and voluntarily
23 consented to proceed before the assigned Magistrate Judge" *See* General Order 2023-11 at

1 1. Like Magistrate Judge Koppe, I will treat Lopez's motion as a motion to withdraw consent.
2 Given that this case is in its infancy, Lopez is proceeding *pro se*, and he filed his motion before
3 Magistrate Judge Koppe filed any orders, I will grant Lopez's motion to withdraw his consent to
4 Magistrate Judge Koppe overseeing this case. I will serve as the presiding judge. Magistrate
5 Judge Koppe will remain assigned to the case and will handle all pretrial and non-dispositive
6 matters. *Id.* at 4.

7 Nothing in this order overturns or supersedes any of Magistrate Judge Koppe's prior
8 rulings, including her screening order dated August 22, 2024. ECF No. 17. Thus, Lopez has
9 until **September 11, 2024** to file an amended complaint. *Id.* at 5. If he fails to do so, this case
10 may be dismissed. Also, this matter remains assigned to the court's ENE program. As
11 Magistrate Judge Koppe stated in her order, if Lopez wants to seek relief from the ENE program,
12 Local Rule IC 2-2(b) requires him to file a separate motion to do so. ECF No. 19 at 1 n.1.

13 I THEREFORE ORDER that Lopez's motion to decline Magistrate Judge assignment
14 **(ECF No. 8) is granted in part.** I will serve as the presiding judge, and Magistrate Judge
15 Koppe will remain assigned to the case and will handle all pretrial and non-dispositive matters.

16 DATED this 4th day of September, 2024.

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20 ANDREW P. GORDON
21 UNITED STATES DISTRICT JUDGE
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